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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: "Blowing Whistles at Hurricanes" (1 of 2)

DATE: 05/02/2014 07:51:56 PM

* given name
 (also au. ⁴nom. ⁵des. ⁶verre)

U.S. DISTRICT COURT
 DISTRICT OF WYOMING
 2014 MAY 9 PM 12 21
 STEPHAN HARRIS, CLERK
 CHEYENNE

"Blowing Whistles at Hurricanes --
 Marxism Meets the Big Sky Country"

by

Michael Hafter
 Freelance Journalist

May 1, 2014 A.D.

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"Strong winds either propel your ship
 or break your mast -- choose one."
 -- Anonymous

Category One: The Gathering Storm

Some federal court cases are quickly forgotten, because
 they start small and stay small. Some start big and wither.
 A few start small and gather steam, like hurricanes over
 warm deep waters and lightning over humid plains.

An easily forgotten criminal case was filed in Cheyenne, Wyoming,
 last January, which portends more than a few legal storms before
 the rain stops and calm seas return.

A pair of IRS agents have been on a steady rampage covering
 several western States, apparently on orders from headquarters
 to enforce the deliberate targeting of conservative groups
 across the land. This scandal has been reported widely,
 both on and off the Internet for months. Google "Lois Lerner"

A Congressional committee has lately recommended DOJ
 to commence a criminal investigation of IRS official Lois Lerner
 for lying about the scandal during her testimony to that committee.

For Paul Andrew Mitchell, a popular court activist and Private
 Attorney General since 1992, the storm clouds appeared suddenly
 one day last June 2013 when these same 2 IRS agents presented
 him with what they thought was a valid "warrant" to search his
 private Seattle apartment, and seize his papers and computers.

Mitchell promptly pointed out the reasons why that "warrant"
 was not valid: the visible names identified 2 personnel of the
 U.S. District Court in Seattle who have consciously failed to
 produce any credentials. One claims to be the Clerk of that Court,
 and the other claims to be a Magistrate seated on that Court.

Mitchell first encountered the former as a "deputy clerk" circa 1996,
 when Mitchell volunteered to search for 2,500 missing children who
 had allegedly disappeared into Child Protective Services in Tucson,
 Arizona. During that search, Mitchell received several warnings and

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a few threats of serious bodily injury to himself and to his family; and, in 1997 his mother died of unexplained causes. Her remains were promptly cremated without an autopsy. He was told when she died and where she died, but no one has been able to tell him how she died.

Mitchell walked briskly to the USDC downtown, where he was met by the Deputy U.S. Marshal assigned to Mitchell, in his capacity as an eyewitness to literally hundreds of missing and defective credentials for personnel employed by the Federal Judiciary.

For private clients and for himself, Mitchell has been engaged in this "credential investigation" at least since late August 2001, when his complex copyright lawsuit was launched in Sacramento, California, against 129 named defendants. One of those defendants was Mitchell's graduate school alma mater, U.C. Irvine, where he earned his M.S. degree in public administration in 1973.

He and the Deputy U.S. Marshal went directly to the Clerk's public counter of the USDC in Seattle. There a counter clerk flatly admitted, "We are not going to cooperate with you, Mr. Mitchell!" Meanwhile, the search "warrant" was being executed on the basis of lies told to his landlord, to his neighbors, and to two officers of the Seattle Police Department.

In July 2013, two men parked illegally in the parking lot of Mitchell's apartment building and confronted him as he approached the lobby. One would not identify himself in any manner, and proceeded to intimidate Mitchell harshly for reporting to the Director of the U.S. Marshals Service in Washington, D.C., the counterfeit credentials now confirmed for the U.S. Attorney General. They would not leave even after Mitchell pointed out they needed an appointment and had none. They were trespassing. A neighbor witnessed the entire confrontation.

Later that summer, Mitchell lodged two criminal complaints against the IRS agents in their home towns -- Cheyenne, Wyoming, and Ft. Collins, Colorado -- charging both with a variety of felony federal offenses, such as witness intimidation, retaliation and racketeering across State lines.

IRS is a known extortion racket, in case you didn't already know this: their legal domicile is San Juan, Puerto RICO. (More on this PR Connection is explained below.)

Things got much worse for Mitchell last January 2014 when a fraudulent arrest "warrant" landed him in solitary confinement, where he went into temporary shock. On intake, he was falsely accused of fraud, being a "Sovereign Citizen" member (also not true), and tortured for objecting to BOP's intake forms because they lacked the OMB control numbers required by the Paperwork Reduction Act ("PRA"). (Here, see 44 USC 3512 in particular.)

The underlying "indictment" had not charged fraud, but obstruction of an "official proceeding" at the USDC in Cheyenne. That proceeding had reportedly produced 10 "subpoenas" issued to as many clients of Mitchell's Co-Defendant, Joseph Ruben Hill, by a panel of federal citizens impersonating a lawfully convened federal grand jury.

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To date, however, no grand jury transcripts have yet been produced, raising serious suspicions that no such grand jury was ever convened in the first place, certainly not a lawful one that allows State Citizens to serve too. There are two classes of citizenship in America, not one.

As implied by the false charges, the "official proceeding" was instigated by the same 2 IRS agents already named in Mitchell's verified criminal complaints. This sequence of events strongly suggested the existence of probable cause that felony retaliation by those same 2 IRS agents had occurred, with criminal intent also probable.

As further events unfolded since then, Mitchell has now been moved a total of 28 times as of January 28, 2014, all over the western States, making it nearly impossible for this defendant to research and prepare his own defense.

He has been defending himself In Propria Persona, and his "stand-by counsel" has effectively abandoned him. This left Mitchell stranded for weeks in a remote county detention center in Nebraska, with no email, no stamps, and no adequate law library resources: no U.S. Code, no Code of Federal Regulations, no law dictionaries either.

Nevertheless, and against all odds, a rather pivotal finding has now emerged from his 15+ handwritten pleadings, which a volunteer legal assistant scanned and uploaded to the Internet: the Clerk's Office personnel in Cheyenne, Wyoming, have neglected and refused to produce any credentials required of them by the Oath of Office Clause in the U.S. Constitution and by several Acts of Congress which have implemented that Clause, elevating both to the status of supreme Law of the Land throughout the USA, Wyoming included.

As revealed in Mitchell's detailed pleadings, Clerks of Federal Courts are centrally situated to render an entire Federal Court totally impotent. This conclusion is justified and even compelled by a Federal law which requires a Clerk's authorized signature -and- the Court's official seal on all "process" a Federal Court might issue -- 28 USC 1691. Even Court ORDERS!

Another Federal law designates the "court" as the legal custodian of the same Oath of Office required of all Federal personnel: the U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS (abbreviated "SF-61").

It requires no rocket science to infer correctly that Clerk's Office personnel cannot sign ANY Court process, insofar as no such personnel do maintain proper legal custody of their own requisite credentials. Here, see 5 USC 2906 and 28 USC 951 (duties).

Therefore, it came as no surprise to Mitchell's Co-Defendant when the 10 so-called "subpoenas" -- bearing the name of one STEPHAN HARRIS dba Clerk of Court in Cheyenne -- miserably failed both tests: no authorized signatures or official seals -and- no SF-61 credentials were ever produced for Harris or for his subordinates Zachary Fisher and Tammy Hilliker. Their second OATH required by 28 USC 951 was also

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never produced either.

These were not isolated discoveries confined to the State of Wyoming, however. The very same defects were later confirmed in the search "warrant" issued by those 2 USDC personnel in Seattle: the "clerk" and the "magistrate".

At his fourth such meeting with Deputy U.S. Marshals assigned to that Court's judicial security department, all present agreed that Mitchell needed to update a specific factual matter: did the U.S. Office of Personnel Management ever formally apply to the Office of Management and Budget for periodic review and approval of OPM's SF-61, now published in electronic form at OPM's Internet website? YES or NO?

Mitchell promptly received official letters from OPM and OMB, both admitting, on government letterhead, that this electronic version of Standard Form 61 is a counterfeit -- it violates the PRA and that violation activates the PRA's Public Protection Clause at 44 USC 3512. Their answers were emphatically NO!

The persistence of a counterfeit Oath of Office and two other affidavits on the same electronic form at OPM's Internet website has necessarily implicated OPM's management in gross negligence and felony wire fraud.

As things stand today, nobody knows for sure just how many copies of that counterfeit form have been downloaded from OPM's website, nor how many copies have been executed by newly hired Federal government officers and employees: one thousand? ten thousand? one hundred thousand? one million? Nobody knows.

According to another Federal law at 5 USC 5507, a Federal officer cannot even get paid unless the second of three affidavits on each SF-61 is timely executed.

Moreover, a counterfeit credential means that superiors cannot delegate any authorities or responsibilities to any subordinates: the latter cannot be "authorized assistants" without lawful delegation.

Faulty delegation now hits government attorneys right between the eyes. Such DOJ personnel are fond of claiming that their second OATH, required by 28 USC 544, is not legally necessary when its language is subsumed by the first affidavit on SF-61. By signing a counterfeit SF-61, however, a reasonable inference can be made that those DOJ attorneys have turned up without ANY valid credentials whatsoever.

Making matters much worse, according to Rule 7 of the Federal Rules of Criminal Procedure, "attorneys for the government" must sign all grand jury indictments. Without signatures of DOJ attorneys who have executed valid versions of both credentials, a grand jury indictment violates Rules 6 and 7, and must be dismissed as to all defendants.

Such missing and defective credentials also mean that these same attorneys cannot even step foot into a grand jury room, with or without jurors present. In the mid-1980s, a Federal Judge in Colorado dismissed such an indictment after an SEC lawyer attempted to conduct

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a grand jury hearing without executing the second OATH for 3 weeks. In his decision, Judge Matsch wisely ruled that the SEC lawyer was NOT an assistant authorized to be present during those grand jury hearings. Bail was released and case dismissed!

The very same counterfeit credential also means that several Cabinet members cannot delegate any authorities or responsibilities either. To date, the credential investigation has confirmed fatal defects in the SF-61s executed by the Attorney General, two Treasury Secretaries, the Secretary of Labor, and the Secretary of Health and Human Services. And so it goes.

It is utterly astonishing to realize these high-level executives have been unable to devise or implement a permanent solution to minimize or prevent any further injuries from several approaching storms being stirred up by all missing and defective credentials.

The consequential damages resulting from false arrests and unlawful incarcerations alone are creating enormous financial liabilities for the United States and all of its responsible officials. As if the Federal government did not already have enough fiscal problems. Now this!

Before we forget, the 2 erstwhile IRS agents rampaging the western States also turned up with 2 more counterfeit SF-61s. Those forms are a special instance of fraud, because IRS personnel are not required by law to execute that credential in the first place.

IRS is now what was left over of "The Untouchables" like Eliot Ness, after alcohol Prohibition was finally repealed by the Twenty-First Amendment. At that time, a compromise was reached allowing the former Federal Alcohol Administration to retreat to San Juan, Puerto Rico.

[continued at (2 of 2)]

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[continued from (1 of 2)]

The governments of all such Federal Territories are expressly
EXcluded from the definition of Federal "agency" at 5 USC 551.

See also the office definitions at 27 CFR 26.11, where the
Commonwealth of Puerto Rico is mentioned at least 3 times!

The U.S. Supreme Court has already admitted that IRS
was never created by any known Act of Congress, but
the high Court put it in a footnote, perhaps hoping that
nobody would notice. We did notice.

Hurricane watchers may remember what Katrina did
to Florida before it reached the Gulf of Mexico.

As our story now stands, Katrina is still approaching
Miami, but gusting winds are already drowning out
the whistle blowers. Please stand by for further
weather updates. Film at 11.

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